

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Arbitration - S.R. to Rajahmundry - Bhadrachalam road from Km. 162/0 to 172/0 in Khammam District - Award passed by Sri M. Satyanarayana Murthy, Retired Chief Engineer and Sole Arbitrator, - EA.No.17/02 in EP.No.4 of 2001 in OP.No.18/89 on the file on Hon'ble XI Addl. Chief Judge, City Civil Court, Hyderabad - Administrative sanction of Rs. 6,97,347/- towards decretal charges for depositing in the Hon'ble City Civil Court from the Contingency Fund - Accorded - Orders - Issued.

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**TRANSPORT, ROADS AND BUILDINGS (ROADS.III) DEPARTMENT**

**G.O.Rt.No. 224**

**Dated: 28<sup>th</sup> February, 2012.**

**Read:-**

From Engineer-in-Chief (R&B) Roads, Hyd., Lr.No.444/TA-13/  
AEE4/01, dt. 28.11.2007, dt.10.2.2012 & 16.2.2012

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**ORDER:-**

In the reference read above, the Engineer-in-Chief (R&B) Roads, Hyd., has stated that the work of SR to Rajahmundry - Bhadrachalam road from Km. 162/0 to 172/0 was entrusted to Sri G. Mohan Reddy, Contractor vide L.S. Agreement.No.27/1981-82 on 17.8.1981 as stipulated period for completion of entire work. The value of work is Rs.3,86,513/- with a main provision of BT wearing coat. The Contractor failed to complete the work within the stipulated time i.e., 22-07-1982 and extension of time was granted upto 30-04-1983. Even after extension of time, the Contractor failed to complete the work. A final notice, dt. 25-01-1984 was issued to the Contractor to show sufficient progress within 7 days, otherwise action to be taken under Clause 60(a) of P.S. to A.P.D.S.S. duly forfeiting E.M.D. & F.S.D., and value of work done by him. The contractor invoked the arbitration clause in OP.No.18/89. The Court has appointed Sri M. Satyanarayana Murthy, Retd., C.E. (R&B) as Sole Arbitrator. The Contractor has raised a total claim of Rs.2,48,371/- with interest @ 24% from 28-5-1983. The Sole Arbitrator passed an award on 15-09-1998 for Rs.1,66,451/- with 18% interest from 28-5-1983 to the date of payment of award. The Contractor filed EP.No.4/2001.

2) The Engineer-in-Chief (R&B) SR, Hyd., has further stated that the G.P., City Civil Court, Hyd., was addressed to file a Counter in the said E.P. But, the G.P., did not file appropriate Counter in said E.P. or suitable

O.P., for setting aside the award and instead, prolonged the case without extension of time. The Advocate General, A.P., Hyd., has subsequently appointed Sri Madduri Shivananda Kumar to file the Counter in EP.No.04/2001 and to file a petition to set aside the award of City Civil Court, Hyd., and also to excuse the delay. Govt., had appointed Sri Madduri Shivananda Kumar, Advocate as Counsel to conduct the case in the City Civil Court, Hyd. However, the Engineer-in-Chief (R&B) Roads, Hyd., has therefore requested to accord sanction and release L.O.C. for Rs.6,97,347/- from the Contingency Advance, as there is no L.O.C., available under Non-Plan.

3) The Engineer-in-Chief (R&B) SR, Hyd., has also stated that the Executive Engineer (R&B), Bhadrachalam had approached the Govt., Pleader for Arbitration for obtaining stay orders against the orders of XI Addl. Chief Judge, City Civil Court in EP.No. 4/2001 in OP.No.18/1989. The Govt., Pleader has opined that there are grounds to file CRP in the Hon'ble High Court. Accordingly, the information along with the Affidavit were furnished by E.E.(R&B), Bhadrachalam to Govt., Pleader for Arbitration. He has further stated that the outcome of the case will be informed after receipt of the same from the S.E. (R&B), Khammam.

Since the Warrant of attachment of movable property in execution of a Decree for the amount has been issued by the City Civil Court, Hyd., and to honour the warrant on or before 29-02-2012, he has requested for release of L.O.C., for Rs. 6,97,347/-, so as to enable the Executive Engineer (R&B) to deposit in the Hon'ble City Civil Court to avoid legal complications.

4) Government after careful examination of the matter hereby accord administrative sanction of Rs.6,97,347/- (Rupees Six lakhs ninety seven thousand three hundred and forty seven only) towards decretal charges in EA.No.17/02 in EP.No.4 of 2001 in OP.No.18/89 on the file on Hon'ble XI Addl. Chief Judge, City Civil Court, Hyderabad for depositing in the Hon'ble City Civil Court.

5) The amount sanctioned in Para ( 04 ) above shall be debited to the Head of Account " 3054 - Roads & Bridges; 03 - State Highways - MH - 337 - Road works - SH(04) - Highway works - 270 - Minor Works - 272 - Maintenance" and shall be initially be met by way of an advance from Contingency fund, orders regarding which will be issued separately by Finance (BG) Department.

6) The Engineer-in-Chief (R&B) SR, Hyd., shall take further action accordingly.

7) This order issues with the concurrence of Finance (BG) Department vide their U.O.No. 17938/73/BG-I/A2/2012, dt. 28-2-2012.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.P. SINGH**

**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief (R&B) SR, Hyd.

Copy to: The Executive Engineer, Bhadrachalam, Khammam Dist.

The Govt., Pleader for Arbitration, High Court of A.P.

The Finance (Expr.PW) Dept.

The Finance (BG) Dept.

The A.G.A.P., Hyd.

The P.A.O., Hyd.

The D.T.O., Khammam dist.

The Director of Works Accounts, Hyd.,

The Director of Treasuries & Accounts, A.P., Hyd.

Sf/Sc

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**